

Application No.: 09/519,563  
Amendment Dated: November 4, 2003  
Reply to Office Action of: September 4, 2003

### REMARKS

Responsive to the Office Action mailed September 4, 2003, Applicants submit the following remarks along with a Request for an Extension of Time of one month. Reconsideration of the merits of the Application in light of the remarks that follow is respectfully requested.

#### Election/Restriction

Applicants acknowledge the election of Figures 2a-b, 4 and 5, claims 1-27 as being treated as an election without traverse.

#### Information Disclosure Statement

Applicants understand that the Examiner will only consider art cited in the specification, unless it has been submitted on a separate sheet.

Applicants understand that the Examiner has considered only the drawings for the following Japanese patent documents:

1. JP 6177449
2. JP 5344755
3. JP 5003683
4. JP 4351200
5. JP 4309273
6. JP 2136245
7. JP 2058280
8. JP 6397854

Concurrently herewith, applicants provide an information disclosure statement with summaries of the first seven of the above-listed Japanese patent documents, JP 6177449; JP 5344755; JP 5003683; JP 4351200; JP 4309273; JP 2136245; and JP 2058280. The summaries were obtained from a website associated with the European Patent Office, <http://ep.espacenet.com>. Please

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consider the summaries as the knowledge Applicants possess regarding the relevance of the documents submitted.

#### Specification

Applicants traverse the objection to the specification. According to MPEP 608.01(o), "new claims and amendments to the claims already in the application should be scrutinized . . ." The present claims are not new nor have they been amended. Thus, Applicants assert that MPEP 608.01 does not apply. As such, it is respectfully requested that the objection to the specification be withdrawn.

#### Claim Objections

The claims have been objected to for allegedly invoking 35 USC 112, 6<sup>th</sup> para. means plus function language. Applicants traverse the rejection. Applicants assert that the claims are definite and that one of skill in the art, upon reading the specification, would understand what structures, material and acts perform the functions recited in the claims. Withdrawal of the objection is respectfully requested.

#### Rejection under 35 USC § 112

Claims 14-25 have been rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. Applicants traverse the rejection to the extent it is maintained.

Claim 14, and dependent claims 15-25, were rejected because there was insufficient antecedent basis for "the pumping means." Claim 14 has been amended to provide sufficient antecedent basis. Withdrawal of the rejection is respectfully requested.

#### Rejections under § 102/103

Claims 1-27 have been rejected under 35 USC §102(b) as allegedly being anticipated by, or alternatively under 35 USC 103(a) as allegedly being obvious over, Tucker (US 4,221,219), Cummins (US 4,340,083), DeCant, Jr. et al. (US 4,443,218), Prosl et al. (US 4,541,429), Wojcicki et al. (US 5,190,522), Lord et al. (US 5,328,460), or Slettenmark (5,707,361); and have

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been rejected under 35 USC §102(e) as allegedly being anticipated by, or alternatively under 35 USC 103(a) as allegedly being obvious over Jalink, Jr. et al. (US 6,071,087). Applicants traverse the rejection.

None of the references cited by the Examiner, alone or in combination, teach or suggest each limitation of claims 1-27. Claims 1-27 recite recovering the electrical charge from the deflectable energy storing member. None of the references teach or suggest recovering charge from a deflectable energy storage member. As stated at, e.g., page 15, 2<sup>nd</sup> full para., of the present specification, piezo-electric membranes typically dissipate the charge build up after a voltage is applied across the membrane. A driver circuit as described in the present specification allows for collection of the energy stored in a piezo-electric membrane. None of the references cited by the Examiner teach or suggest such an energy recollection feature. As such, withdrawal of the rejection is respectfully requested.

#### Double Patenting

Claims 1-25 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-30 of US 6,048,328. Claims 1-27 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-55 of US 6,488,652. Applicants traverse the rejections.

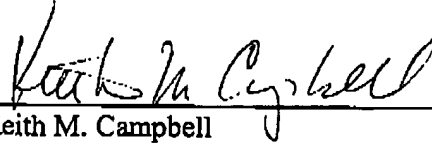
Reconsideration and withdrawal of the rejection is respectfully requested in light of the discussion presented above regarding the rejections under § 102/103. Energy recollection was not recited in the claims of either the '328 patent or the '652 patent. Withdrawal of the rejection is respectfully requested.

Applicants submit that the above remarks are fully responsive to the Office Action of September 4, 2003 and the Restriction Requirement of October 1, 2002. Consideration of the merits of the claims is respectfully requested.

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Respectfully submitted,

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Keith M. Campbell

Registration No. 46,597

MEDTRONIC, INC.

710 Medtronic Parkway NE, M.S.: LC340

Minneapolis, Minnesota 55432-5604

Telephone: (763) 505-0405

Facsimile: (763) 505-0411

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